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OCT 08 2004

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## FACSIMILE TRANSMITTAL SHEET

**Deliver To:** EXAMINER FAYEZ ASSAF  
**Company:** U.S. PATENT AND TRADEMARK OFFICE (ART UNIT 2872)  
**Telephone:** (703) 872-9306  
**From:** Eric Ho  
**Date:** Oct. 8, 2004  
**Time:** 9:50 AM  
**Number of Pages:** 10 (Including Cover Sheet)  
**Our Reference:** 10003980-7

**SUBJECT:** **Response to 7/13/04 Final Office Action  
(Application/Control Number: 10/608,643)**

**REMARKS:**

Enclosed please find the response to the 7/13/04 Final Office Action and related terminal disclaimer responsive to a provisional double patenting rejection for the above-noted case.

Please do not hesitate to contact me with any questions or concerns.

Best regards.  
Eric Ho

CONFIDENTIALITY NOTE: The documents accompanying this facsimile transmission contain information from the Law Offices of Eric Ho which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

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AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P. O. Box 7599  
Loveland, Colorado 80537-0599

PATENT APPLICATION

ATTORNEY DOCKET NO. 10003980-7

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Christopher L. Coleman et al.

Serial No.: 10/608,643

Examiner: ASSAF, FAYEZ G.

Filing Date: 6/27/2003

Group Art Unk: 2872

Title: DIFFRACTIVE OPTICAL ELEMENT FOR PROVIDING FAVORABLE MULTI-MODE FIBER  
LAUNCH AND REFLECTION MANAGEMENT

COMMISSIONER FOR PATENTS  
PO Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- (X) Response/Amendment ( ) Petition to extend time to respond  
( ) New fee as calculated below ( ) Supplemental Declaration  
( ) No additional fee (Address envelope to "Mail stop Non-Fee Amendments")  
(X) Other: Terminal Disclaimer (Provisional Dbl Pat. Rjctn) (fee \$ 110.00 )

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS	14	MINUS	20	= 0	X \$18	\$ 0
INDEP. CLAIMS	1	MINUS	3	= 0	X \$88	\$ 0
[ ] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$300	\$ 0
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$430.00	3RD MONTH \$980.00	4TH MONTH \$1530.00		\$ 0
OTHER FEES						\$ 110
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Date of Facsimile: Oct. 8, 2004

Typed Name: Erlo Ho

Signature:

Respectfully submitted,

Christopher L. Coleman et al.

By

Erlo Ho

Attorney/Agent for Applicant(s)

Reg. No. 39,711

Date: Oct. 8, 2004

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Attorney Docket: 10003980-7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/608,643  
Applicant : CHRISTOPHER L. COLEMAN et al.  
Filed : June 27, 2003  
TC/A.U. : 2872  
Examiner : ASSAF, FAYEZ G.  
Docket No. : 10003980-7  
Confirm. No. : 8341

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

RESPONSE TO FINAL OFFICE ACTION  
DATED JULY 13, 2004

In response to the Final Office Action dated July 13, 2004, please consider the following remarks:

**Listing of the Claims** begin on page 2 of this paper.

**Remarks/Arguments** begin on page 5 of this paper.